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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/282,156	03/31/1999	SAM E. KINNEY JR.	046700-5003	8244

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EXAMINER

KYLE, CHARLES R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/282,156

Applicant(s)

KINNEY ET AL.

Examiner

Charles R Kyle

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 65,69 and 76-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 65,69 and 76-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>27</u> . ✓ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 65, 69, and 76-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zandi in view of WWWFinance.

With respect to Claim 65, it is the system form of method claim 69 and is rejected in a like manner. See the discussion of Claim 69 below.

With respect to Claim 69, Zandi discloses a method of participating in an electronic reverse auction (Abstract) between a plurality of potential bidders (Fig. 1, elements 50) the plurality of potential bidders competing for a lot having at least one product (Abstract, the loan), comprising the steps of:

- (a) receiving bid information from a bidder for said lot (Col. 6, line 56);
- (b) generating a non-zero bid (Col. 9, lines 11-18)
- (c) transmitting the bid to an auction server (Col. 9, lines 11-18) to allow relative comparison of bids on a competitive basis (Col. 1, lines 7-12; Col. 5, lines 16-23);
wherein step (b) comprises the step of generating a bid using a predefined discount rate structure (Col. 8, lines 1-12, interest rate) and received multi-segment bidding parameters (Col. 8, lines 1-12, loan term) said bid representing a sum of a series of payments over a plurality of contract term segments which are discounted using said predefined discount rate structure (total cost of mortgage over contract term segments).

Zandi does not specifically disclose the comparison of choice values generated using calculation of a non-zero net present value. WWWFinance discloses this feature at page 1, bullet 2. In this example, WWWFinance discloses the use of net present value to choose from alternative options using discounting based on interest rate (15%) and a plurality of contract term segments (T=1 to 5).

These are the parameters disclosed by Zandi as interest rate and loan term, as cited above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Zandi using the net present value calculation of cash flows of WWWFinance because this would have provided comparability of loan bids (products) by producing an overall value for each bid considering multiple parameters.

Concerning Claim 76, see the discussion of Claim 69 above.

With respect to Claim 77, WWWFinance discloses receiving multi-segment bidding parameters, said multi-segment bidding parameters defining a pattern of payments over a plurality of contract term segments at page 1, "Example".

With respect to Claim 78, WWWFinance discloses receiving a unit bid (Title), a contract length (contract term segments (T=1 to 5)), a contract quantity or quantities (an upgrade choice), and price discount values for a plurality of contract term segments (15% interest rate).

With respect to Claim 79, Zandi does not specifically disclose receiving price values for each of the plurality of contract term segments. Official notice is taken that examination of price value for a contract term is old and well-known as cash flow analysis, whereby a buyer can determine whether payments can be met for each segment of the loan term. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used this feature in the invention of Zandi because this would have allowed the buyer to assure that he/she would be able to make payments for each of the contract term segments.

With respect to Claims 80-83, they are the system form of Claims 76-79 and are rejected in a like manner.

Response to Arguments

Applicant's arguments with respect to claims 65, 69 and 76-83 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0116312 A1 Talbot et al. 08-2002
For its teachings on electronic reverse auctions.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

CRK

crk

June 2, 3003


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600